

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BARBARA BOWLES,

Plaintiff,

v.

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

Case No. 3:12-cv-145

JUDGE WALTER H. RICE

DECISION AND ENTRY SUSTAINING PLAINTIFF'S MOTION TO
SUBSTITUTE PARTY PLAINTIFF, AND MOTION FOR LEAVE TO FILE
AMENDED COMPLAINT (DOC. #70); ALLEN WILLIAMS, IN HIS
CAPACITY AS EXECUTOR OF BARBARA BOWLES'S ESTATE TO BE
SUBSTITUTED AS PARTY PLAINTIFF; PLAINTIFF TO FILE AMENDED
COMPLAINT WITHIN 14 DAYS OF THIS DECISION AND ENTRY

Plaintiff Barbara Bowles passed away on October 18, 2013. Her brother, Allen Williams, was nominated in her Last Will and Testament as Executor of her Estate. On February 19, 2014, he filed a Notice of Death, and moved to substitute himself, in his capacity as Executor, as the party plaintiff. He also moved for leave to file an Amended Complaint to reflect this change. Doc. #70. Ohio Revised Code § 2305.21 permits a personal representative of a deceased plaintiff's estate to continue litigation that arose from personal injury.

Defendant, Novartis Pharmaceuticals Corporation, objected to Williams's motion only because, at the time it was filed, Williams had not yet been appointed as Executor by the Probate Court of Montgomery County. Doc. #71. That defect

has now been resolved. Probate Court records in Case No. 2014EST00399 indicate that Williams was appointed as Executor of Barbara Bowles's estate on March 11, 2014.

Accordingly, pursuant to Federal Rule of Civil Procedure 25(a), the Court SUSTAINS Plaintiff's Motion to Substitute Party Plaintiff, and Motion for Leave to File Amended Complaint. Doc. #70. Williams shall have 14 days from the date of this Decision and Entry to file his Amended Complaint.

Date: March 14, 2014



WALTER H. RICE
UNITED STATES DISTRICT JUDGE